

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE: CROP INPUTS
ANTITRUST LITIGATION

Case No. 4:21-MD-2993 SEP
ALL CASES

**ORDER APPOINTING PLAINTIFFS' INTERIM LEAD
CLASS COUNSEL AND EXECUTIVE COMMITTEE**

Now before the Court is Plaintiffs' Motion for Appointment of Interim Lead Class Counsel and Executive Committee. Doc. [57].

This motion relates to a set of antitrust cases alleging that Defendants conspired to inflate the prices of their seeds and crop protection chemicals and to control the crop input industry, including by boycotting new competitors, in violation of Sections 1 and 2 of the Sherman Act. On June 8, 2021, the Judicial Panel on Multidistrict Litigation transferred thirteen of those civil antitrust actions to this District for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. A total of 27 actions are now before this Court as part of the MDL. Subsequent to the transfer of the actions, counsel for all Plaintiffs met and conferred in an effort to reach agreement regarding a fair, efficacious, and economical counsel management structure. Plaintiffs unanimously agree on the leadership structure outlined in the motion, and Defendants do not oppose the motion.

Having considered the guidance outlined in the *Manual for Complex Litigation, Fourth*, the factors noted in Rule 23(g) of the Federal Rules of Civil Procedures, and other accepted guidance respecting appointment of leadership counsel in cases of this kind, the Court concludes that interim co-lead counsel and an executive committee should be appointed to achieve efficiency and economy in what is likely to be expensive and complicated litigation, while not jeopardizing fairness to the parties.

Plaintiffs move the Court to appoint the law firms of Lockridge Grindal Nauen P.L.L.P., Barrett Law Group, P.A., and Gustafson Gluek PLLC as interim co-lead class counsel. Plaintiffs

also move to appoint the following lawyers and firms to an Executive Committee: Adam J. Zapala and Elizabeth Castillo of Cotchett, Pitre & McCarthy; Marc Edelson and Sati Gibson of Edelson Lechtzin LLP; Michael Cashman and Anne Reagan of Hellmuth & Johnson PLL C; Karin Garvey and Gregory Ascioffa of Labaton Sucharow; Ashlea Schwarz and Rick Paul of Paul LLP; Garrett Blanchfield and Roberta Yard of Reinhardt Wendorf & Blanchfield; Ruth Anne French-Hodson and Isaac Diel of Sharp Law LLP; William G. Caldes and Icee N. Etheridge of Spector, Roseman & Kodroff, PC; Archana Tamoshunas and Brett Cebulash of Taus, Cebulash & Landau LLP; and David Cialkowski and Hart Robinovitch of Zimmerman Reed.

Upon careful consideration of the motion and its accompanying submissions, and having considered the factors outlined in Rule 23(g) of the Federal Rules of Civil Procedure, the Court finds that Lockridge Grindal Nauen P.L.L.P., Barrett Law Group, P.A., Gustafson Gluek PLLC, and the Executive Committee candidates satisfy the requirements of Rule 23(g). This includes the work counsel have done in identifying or investigating potential claims in the action; counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; counsel's knowledge of the applicable law; and the resources that counsel will commit to representing the class. The Court also notes that counsel for all Plaintiffs support the appointment of Lockridge Grindal Nauen P.L.L.P., Barrett Law Group, P.A., and Gustafson Gluek PLLC as co-lead counsel.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Appointment of Interim Lead Class Counsel and Executive Committee (Doc. [57]) is **GRANTED**. The leadership structure shall be as set forth below.

1. The Court appoints W. Joseph Bruckner and Rebecca A. Peterson, of Lockridge Grindal Nauen P.L.L.P., John W. ("Don") Barrett and Sterling Aldridge of Barrett Law Group, P.A., and Michelle Looby and Daniel Gustafson of Gustafson Gluek PLLC as interim class counsel for Plaintiffs under Fed. R. Civ. P. 23(g) ("Interim Co-Lead Counsel").

2. The duties of Interim Co-Lead Counsel will include:

- a. To determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of Plaintiffs on all matters arising from pretrial proceedings;
- b. To coordinate the initiation and conduct of discovery on behalf of Plaintiffs

consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

- c. To conduct settlement negotiations on behalf of Plaintiffs and any proposed Plaintiffs' classes, but not enter into binding agreements except to the extent authorized by law;
- d. To delegate specific tasks to other counsel in a manner to ensure that pretrial preparation is conducted efficiently and effectively;
- e. To enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
- f. To prepare and distribute periodic status reports to the parties;
- g. To maintain adequate contemporaneous time and cost records covering services as lead counsel and collect such information from Plaintiffs' co-counsel on at least a monthly basis. Lead counsel will provide summaries of such time and cost records for in camera review at the Court's request;
- h. To monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and
- i. To perform such other pretrial duties as may be incidental to the proper coordination of pretrial activities or authorized by further order of the Court.

3. The Court also appoints the lawyers and firms noted above to the Executive Committee. The Executive Committee shall act at the direction of Interim Co-Lead Counsel.

4. In no event shall any document be filed, or any discovery be served, on behalf of Plaintiffs without the approval of Interim Co-Lead Counsel or leave of Court, and any such filing may be stricken.

IT IS SO ORDERED.

Dated: August 27, 2021



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE